

MICHAEL S. ALBRECHT and
MICHAEL L. ALBRECHT
2153 South 88th Street
West Allis, WI 53227

Plaintiff

UNITEDHEALTHCARE SERVICES, INC.,
a foreign health insurance corporation,
c/o C.T. Corporation ~~System~~, Registered Agent
8020 Excelsior Drive, Suite 200
Madison, WI 53717

Involuntary Plaintiff,

vs.

CITY OF WEST ALLIS, a municipal corporation,
c/o City Clerk of the City of West Allis
City Hall, Room 108-110
7525 West Greenfield Avenue
West Allis, WI 53214

RYAN McNALLY, POLICE OFFICER
c/o City of West Allis Police Department
11301 West Lincoln Avenue
West Allis, WI 53227

TIMOTHY GOLD, POLICE OFFICER,
c/o City of West Allis Police Department
11301 West Lincoln Avenue
West Allis, WI 53227

STEVEN MARTIN, POLICE OFFICER
c/o City of West Allis Police Department
11301 West Lincoln Avenue
West Allis, WI 53227

CHARLES PADGETT, POLICE CHIEF
c/o City of West Allis Police Department
11301 West Lincoln Avenue
West Allis, WI 53227

Defendants.

15CV004648

3015 m 6/12/15

<input checked="checked" type="checkbox"/> PERSONAL	<input type="checkbox"/> SUBSTITUTE
<input type="checkbox"/> POSTED	<input type="checkbox"/> CORPORATE

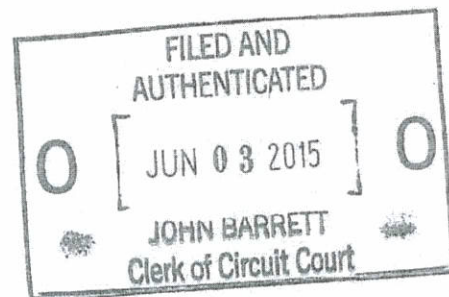
HON. DAVID L. BOROWSKI, BR. 12
CIVIL K

Case No.

Code: 30107

Classification: Personal Injury-
Other

SUMMONS



To each person named above as a Defendant:

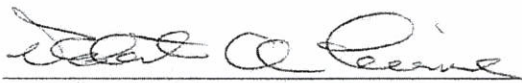
YOU ARE HEREBY NOTIFIED that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose mailing address is Clerk of Circuit Court for Milwaukee County, Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233, and to the Plaintiffs' attorney, Robert A. Levine, 111 East Wisconsin Avenue, Suite 1710, Milwaukee, Wisconsin 53202. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 3rd day of June, 2015.

LAW OFFICES OF ROBERT A. LEVINE

By: 
Robert A. Levine, State Bar No. 01011965
Jonathan J. Cattey, State Bar No. 01079322

111 East Wisconsin Avenue, Suite 1710
Milwaukee, WI 53202
(414) 271-9585; Fax: (414) 271-8506
rlevine@rlevinelaw.com; jcattey@rlevinelaw.com

15CV004648

MICHAEL S. ALBRECHT and
MICHAEL L. ALBRECHT
2153 South 88th Street
West Allis, WI 53227

Plaintiff

UNITEDHEALTHCARE SERVICES, INC.,
a foreign health insurance corporation,
c/o C.T. Corporation *System*, Registered Agent
8020 Excelsior Drive, Suite 200
Madison, WI 53717

Involuntary Plaintiff,

vs.

CITY OF WEST ALLIS, a municipal corporation,
c/o City Clerk of the City of West Allis
City Hall, Room 108-110
7525 West Greenfield Avenue
West Allis, WI 53214

RYAN McNALLY, POLICE OFFICER
c/o City of West Allis Police Department
11301 West Lincoln Avenue
West Allis, WI 53227

TIMOTHY GOLD, POLICE OFFICER,
c/o City of West Allis Police Department
11301 West Lincoln Avenue
West Allis, WI 53227

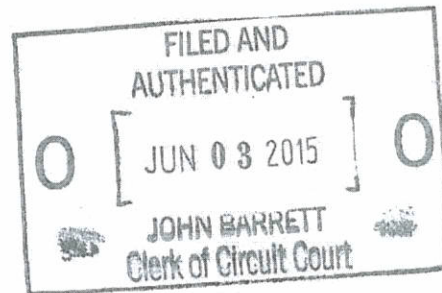
STEVEN MARTIN, POLICE OFFICER
c/o City of West Allis Police Department
11301 West Lincoln Avenue
West Allis, WI 53227

CHARLES PADGETT, POLICE CHIEF
c/o City of West Allis Police Department
11301 West Lincoln Avenue
West Allis, WI 53227

Defendants.

Case No.

Code: 30107

Classification: Personal Injury-
Other**COMPLAINT**

NOW COME the above-named plaintiffs, Michael S. Albrecht and Michael L. Albrecht, by their attorneys, the Law Offices of Robert A. Levine, represented by Robert A. Levine, and as and for a claim on behalf of the plaintiffs Michael S. Albrecht and Michael L. Albrecht and against the defendants, City of West Allis, Ryan McNally, Timothy Gold, Steven Martin and Charles Padgett, allege and show to the court as follows:

1. Plaintiffs have separate claims which arise out of the same incident and are joined for the purpose of suit and trial, but each prays for a separate judgment.

2. This is a civil action seeking damages against the defendants the City of West Allis, Ryan McNally, Timothy Gold and Seven Martin, for committing acts under color of law which deprived the plaintiffs Michael S. Albrecht and Michael L. Albrecht of rights secured by the Fourth and Fifteenth Amendments of the Constitution of the United States of America and the Constitution of the State of Wisconsin, including, but not limited to, depriving the plaintiffs Michael S. Albrecht and Michael L. Albrecht of rights without due process of law.

3. At all of the times hereinafter mentioned, the plaintiffs Michael S. Albrecht (hereinafter "Father") and Michael L. Albrecht (hereinafter "Son") were parent and child and were and now are residents of the City of West Allis, County of Milwaukee and State of Wisconsin, with their residence located at 2153 South 88th Street.

4. At all of the times hereinafter mentioned, the involuntary plaintiff, UnitedHealthcare, Insurance Company (hereinafter "UnitedHealthcare") was and now is a foreign insurance corporation which provides health insurance benefits, and whose agent for service in Wisconsin is CT Corporation System located at 8020 Excelsior Drive, Suite 200, Madison, Wisconsin 53717.

5. At all of the times hereinafter mentioned, the defendant City of West Allis, (hereinafter "City") was and now is a municipal corporation duly organized and existing under and pursuant to the laws of the State of Wisconsin, with its principal place of business located at 7525 West Greenfield Avenue in the City of West Allis, County of Milwaukee, and State of Wisconsin; that in the conduct of its operation and function, said defendant City regulates and controls police officers and policing duties for the City of West Allis.

6. Upon information and belief, at all of the times hereinafter mentioned, the defendant Ryan McNally (hereinafter "McNally") was and now is a resident of the City of West Allis, County of Milwaukee, State of Wisconsin, his residential address is unknown and was at all times a police officer employed by the defendant City.

7. Upon information and belief, at all of the times hereinafter mentioned, the defendant Timothy Gold (hereinafter "Gold") was and now is a resident of the City of West Allis, County of Milwaukee, State of Wisconsin, his residential address is unknown and was at all times a police officer employed by the defendant City.

8. Upon information and belief, at all of the times hereinafter mentioned, the defendant Steven Martin (hereinafter "Martin") was and now is a resident of the City of West Allis, County of Milwaukee, State of Wisconsin, his residential address is unknown and was at all times a police officer employed by the defendant City.

9. Upon information and belief, at all of the times hereinafter mentioned, the defendant Charles Padgett (hereinafter "Police Chief") was and now is a resident of the City of West Allis, County of Milwaukee, State of Wisconsin, his residential address is unknown and was at all times relevant the acting police chief or the police chief for the defendant City.

10. Plaintiffs sue each and all defendants in both their individual and official capacities.

11. On or about the 13th day of August, 2012, at approximately 11:50 p.m., the plaintiff Son was on the porch of his residence located at 2153 South 88th Street in the City of West Allis, County of Milwaukee, State of Wisconsin.

12. On said date, the defendants McNally, Gold and Martin, while employed as police officers by the defendant City were on patrol in said area.

13. At said time and place of the incident and prior thereto the defendants McNally, Gold and Martin, acting as hereinbefore alleged, violated the provisions of the Fourteenth Amendment of the Constitution of the United States of America and the Constitution of the State of Wisconsin and were then and there guilty of one or more of the following malicious and reckless acts and/or omissions:

- a. Grabbing the plaintiff Son by the back of his hair and pulling him off the porch and down the steps, throwing him to the ground and dragging him across his driveway and throwing him onto the cement street, pinning him down with a knee into the back of his neck;
- b. Grabbing the plaintiff Father and flipping him face first, onto the street, slamming him onto the ground on his right side and right eye, handcuffing him and then dragging him about 15 feet into the street and throwing him into the back of a squad car where he remained for a period of time with the door opened, then grabbing him out of the squad car and dragging him approximately 20 feet and throwing him into another squad car where he sat for a period of time, and then grabbing him out of that squad car, dragging him for a substantial distance and throwing him into a third vehicle, where he was not seat-belted, with handcuffs on and then driving to the police station at an excessive rate of speed and causing him to be thrown back and forth in the motor vehicle;
- c. Causing both the plaintiff Son and the plaintiff Father to be falsely arrested and maliciously charged with unfounded municipal ordinance violations for no reason.